

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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3B MEDICAL, INC.,	:
	:
Plaintiff,	: 19 Civ. 03545 (VM)
	:
- against -	: <u>ORDER</u>
	:
SOCLEAN, INC.,	:
	:
Defendant.	:
-----X	

VICTOR MARRERO, United States District Judge.

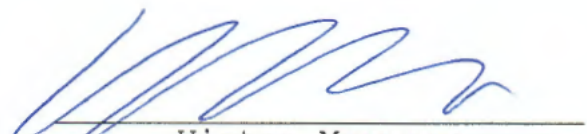
On January 4, 2022, consistent with the Court's Individual Practices, counsel for defendant SoClean, Inc. ("SoClean") sent counsel for plaintiff 3B Medical, Inc. ("3B Medical") a premotion letter identifying alleged deficiencies in the Amended Complaint (Dkt. No. 42) that 3B Medical filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 98.) On January 11, 2022, also consistent with the Court's Individual Practices, counsel for 3B Medical sent a three-page letter in response, opposing the grounds that SoClean stated in favor of the proposed motion. (See Dkt. No. 104.) On March 17, 2022, the Court received a letter from SoClean requesting a premotion conference, asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 108.) Previously, on October 19, 2022, SoClean sent a three-page letter identifying a basis to stay the action or otherwise dismiss the action without prejudice. (See Dkt. No. 98.) On October 26, 2022, 3B Medical sent a three-page letter in response, opposing

the grounds that SoClean stated in favor of its proposed motion. (See Dkt. No. 100.)

Upon review of all premotion letters, the Court is not persuaded that a premotion conference or further briefing is necessary to resolve the parties' disputes. In accordance with this Court's Individual Practices and Rule 7.1 of the Court's Local Rules, SoClean may file a combined motion to dismiss and stay of this action which shall not exceed five pages in length (single spaced, twelve-point font), unless, upon a party's request, the Court authorizes a larger number. The substance of such motion may not deviate materially from the basis for dismissal that SoClean stated in its initial premotion letters. In response, within seven (7) days of the filing of SoClean's motion, 3B Medical may file its opposition, which may similarly not exceed five pages (single spaced, twelve-point font), opposing the motion. SoClean may file a three-page reply within seven (7) days of the filing of 3B Medical's response.

SO ORDERED.

Dated: New York, New York
June 24, 2022


Victor Marrero
U.S.D.J.